



South Carolina House of Representatives

Legislative Update

Robert W. Harrell, Jr., Speaker of the House

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PREFILED BILLS INTRODUCED

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IN THE HOUSE

AGRICULTURE, NATURAL RESOURCES, AND ENVIRONMENTAL AFFAIRS

H.4345 HUNTING AND FISHING POINT SYSTEM FOR VIOLATIONS Rep. Pitts

The bill revises the points to be assessed for trespassing to hunt or trap and raises the points from 10 to 18 points.

H.4374 LITTER CONTROL Rep. Cobb-Hunter

This bill establishes a joint project on litter, where the Department of Health and Environmental Control, the Department of Corrections, the Department of Transportation, Palmetto Pride, and local correctional facilities shall cooperate in the eradication of litter.

H.4378 TRANSFER OF TITLE ON A WATERCRAFT OR OUTBOARD MOTOR ON WHICH PROPERTY TAXES ARE OWED Rep. Putnam

This bill provides that the Department of Natural Resources may not refuse to transfer the title due to outstanding property taxes or liens, and to provide that any actual outstanding taxes become the personal liability of the seller and do not constitute a lien on the watercraft or outboard motor.

EDUCATION AND PUBLIC WORKS

H.4352 EDUCATION REVISIONS Rep. Sellers

This legislation requires the State Department of Education to release high school graduation rate data based on race or ethnicity by September first of each year. Also, this legislation eliminates the Education Oversight Committee; references relating to the Education Oversight Committee are deleted or changed to the Department of Education, the State Board of Education, or the Superintendent of Education. Additionally, the legislation repeals various sections relating to the business education partnership; education improvement program monitoring; campus incentive program; school principal incentive program; recommendations for employer tax credit incentives; Education and Economic Development Council, which no longer exists; plan for technical assistance; and a section relating to national education goals. The legislation further provides that savings realized must be used for instructional supplies as determined by the General Assembly in the annual appropriations act.

H.4369 CHILD-FRIENDLY COMMERCIAL ADVERTISEMENTS ON PUBLIC SCHOOL BUSES Rep. Putnam

This legislation requires a school district to offer for sale child-friendly commercial advertisements on public school buses operated in the district except for those buses owned by a school or district, in which case the sale is optional but only if in compliance with other applicable provisions. The legislation provides that the districts only may use the resulting revenue to purchase new school buses. The legislation further provides

that the State Board of Education shall develop related guidelines and a standard contract that districts must use.

H.4383 "AMERICANS STAND WITH ISRAEL" SPECIAL LICENSE PLATES

Rep. Clemmons

This legislation authorizes the Department of Motor Vehicles to issue "Americans Stand with Israel" special license plates.

H.4384 OPERATION OF A MOPED ALONG THE STATE'S HIGHWAYS

Rep. Whitmire

This legislation requires a person operating a moped and any passenger to wear reflective vests. The legislation requires that a moped sold in this State must be equipped with a rear red tail light that flashes continually while the moped is in motion, and it further requires such a rear red tail light to be turned on at all times while the moped is in operation.

H.4386 PROHIBITION ON TEXTING WHILE DRIVING Rep. Bowen

The legislation prohibits a person from using an electronic communication device to compose, send, or read an electronic message, such as a text message, electronic mail, instant message, or a command to access an Internet site, while operating a motor vehicle on a roadway. The use of a global positioning system, navigation system or other device that is physically or electronically integrated into the motor vehicle is not a violation. The prohibition does not apply to a person operating a vehicle while: (1) off the traveled portion of the roadway; (2) using an electronic communication device in hands-free, voice-activated, or voice-operated mode that allows the user to review, prepare and transmit an electronic message without the use of either hand except to activate, deactivate, or initiate a feature or function; (3) summoning medical or other emergency assistance; or (4) using a citizens band radio, commercial two-way radio communication device, in-vehicle security, or amateur ham radio device. The legislation creates the misdemeanor offense of texting while driving for violations in which no bodily injury occurs. A surcharge on this offense provide funding for the Trauma Care Fund administered by the Department of Health and Environmental Control (DHEC); the legislation directs the use of certain monies received by the Trauma Care Fund such as restricting DHEC from using these funds for the department's administrative or operating expenses or for any other purpose than providing financial aid to participating trauma care providers and grants related to trauma care. The legislation further provides that texting while driving when bodily injury occurs is reckless driving. The legislation preempts local ordinances, regulations, and resolutions adopted by municipalities, counties, and other local government entities regarding persons using hand-held and hands-free wireless electronic communication devices while operating motor vehicles on the public streets and highways of this State.

H.4389 SPEED LIMITATIONS PLACED ON THE OPERATION OF A MOPED

Rep. G. M. Smith

This legislation prohibits a moped from being operated along a road, street, or highway whose maximum speed limit is greater than forty-five miles an hour.

H.4391 DRIVING IN THE FARTHEST LEFT LANE OF A MULTILANE HIGHWAY Rep. Putnam

With certain exceptions, this legislation prohibits a vehicle from being driven in the farthest left lane of a multilane highway except when overtaking and passing another

vehicle. The legislation prohibits a vehicle from being driven at least five miles less than the posted limit in the farthest left lane of a multilane highway; this is a two point violation. Also, this legislation prohibits a driver of a vehicle from operating the vehicle while using any hand-held electronic communications device in the farthest left lane of a multilane highway; a person who violates this provision must be fined \$25.

H.4392 MODIFICATION OR WAIVER OF A RESTRICTED DRIVER'S LICENSE

Rep. Huggins

Under this bill, the restrictions contained in a restricted driver's license issued to a minor may be modified or waived by the Department of Motor Vehicles if the restricted licensee proves that the restriction interferes with travel between the licensee's home and church-related or sponsored activity.

**H.4404 REQUIREMENTS FOR PARTICIPATION ON A SCHOOL-
SPONSORED ATHLETIC TEAM**

Rep. Cobb-Hunter

In order for a student to participate on a school sponsored athletic team, this legislation requires the student to undergo a preparticipation physical, during which an electrocardiogram test must be administered. The physician who administers the test must clear the student for participation on the team before the student is eligible to participate.

H.4413 "REPORT-A-BULLY IN SCHOOL WEBSITE ACT"

Rep. Limehouse

This legislation requires each school district to develop a website through which a person may anonymously report acts of harassment, intimidation, or bullying of a student at school, and it further requires the district to promptly respond to complaints received through the website. The legislation provides for monthly reporting requirements: the number of acts reported through the website, the nature of each alleged act, whether the investigation of the report is pending or resolved, and if resolved, the date of the resolution. The legislation further requires the Board of Education to develop related guidelines to assist school districts. Information received through the website is not subject to the Freedom of Information Act.

H.4414 PALMETTO PAY FORWARD, PAY BACK PILOT PROGRAM

Rep. Limehouse

This legislation creates the Palmetto Pay Forward, Pay Back Pilot Program. It requires the Commission on Higher Education to create a system in which a person accepted to attend a public institution of higher learning in this state can forgo paying tuition and fees in exchange for contracting with the institution to pay it or the state a percentage of his income for a specified number of years after graduation, among other things. The legislation requires the commission to submit its proposed pilot program to the General Assembly before December 1, 2015 for approval.

H.4419 EDUCATOR EVALUATIONS

Rep. Patrick

This legislation pertains to principal and teacher evaluations, hiring and dismissal procedures, teacher compensation, as well as alternative certification programs. It provides for an annual evaluation system under which principals and teachers are given one of four rating levels: highly effective, effective, needs improvement, and ineffective. Among other measures, student growth accounts for fifty percent of the educator

evaluations. The legislation provides a performance salary schedule for teachers whereby teachers rated as highly effective or effective may receive annual salary adjustments and supplements; a grandfather salary schedule is allowed. The legislation authorizes principals to select teachers for their schools. Teachers who receive a rating of ineffective or needs improvement and do not remedy deficiencies may lose continuing contract status as well as be dismissed within a certain time frame. Additionally, the legislation allows individuals to be certified through other State Department of Education approved certification programs.

JUDICIARY

H.4340 "CONSUMERS AND ENTREPRENEURS HOMESTEAD PROTECTION ACT" Rep. Putnam

This legislation enacts the "Consumers and Entrepreneurs Homestead Protection Act," which pertains to property exempt from court or bankruptcy proceedings or attachment, levy, and sale. The legislation revises the manner in which the value of the maximum homestead creditor protection is determined. The legislation further provides that these and other protections for a debtor's real and personal property do not apply to a person convicted of an offense involving fraudulent business practices.

H.4342 APPEALS Rep. Clemmons

This legislation provides that an appeal on an order ruling on the applicability of the chapter regarding protection of persons and property may be immediately taken in a criminal or civil case; the filing of the appeal stays the action during the pendency of the appeal.

H.4343 REVISIONS TO CRIMINAL DOMESTIC VIOLENCE LAWS Rep. Sellers

This legislation pertains to criminal domestic violence offenses and penalties. With regards to first offense criminal domestic violence offenses, it increases the maximum term of imprisonment penalty from 30 days to 180 days as well as clarifies that the amount of bond is in the discretion of the judge. Additionally, the legislation provides that the court must order participation in a domestic violence intervention program, and it allows restriction on firearms and ammunition as a condition of bond. Relating to the illegal possession of a firearm by a person convicted of a domestic violence offense, this legislation further provides that it is unlawful for a person convicted of a criminal domestic violence offense or a person subject to an order of protection for domestic or family violence to ship, transport, or receive a firearm or ammunition. The legislation also provides for the surrender of firearms to the appropriate county sheriff, and it provides notice to a person to whom the statute applies. Relating to criminal domestic violence of a high and aggravated nature, this legislation provides that the court must order participation in a domestic violence intervention program. The legislation also allows a restriction on firearms and ammunition as a condition of bond. Relating to expungement of criminal records, the legislation increases the amount of time when a first offense criminal domestic violence offense may be expunged from five to seven years from the date of the conviction. Relating to youthful offender convictions, the legislation corrects an obsolete reference.

H.4344 CREATION OF THE OFFENSE OF HATE CRIME OF ASSAULT AND BATTERY UPON A HOMELESS PERSON Rep. Gilliard

This legislation creates a misdemeanor offense of hate crime assault and battery upon a homeless person with tiered penalties for a first offense and second or subsequent offenses. These penalties are in addition to penalties prescribed for the underlying offense, and a sentence prescribed pursuant to these provisions must be served consecutively to any other sentence.

**H.4346 CENTRAL REGISTRY OF CHILD ABUSE AND NEGLECT
Rep. Forrester**

Current law allows the Department of Social Services after an investigation has determined certain individuals have harmed or threatened harm to a child to enter the names immediately into the Central Registry of Child Abuse and Neglect; an individual is notified in writing by the department of the right to appeal the department's decision. This legislation requires the Department of Social Services to file a petition with the court in order to enter the name of a person into the Central Registry of Child Abuse and Neglect. The legislation establishes requirements for filing a petition with the court and for providing notice of, scheduling, and holding a hearing. An action filed under this section is not subject to Section 63-7-1620, which provides for legal representation of children. Neither the child victim nor the parents of the child victim are parties of the action, although if the parent is the person determined by the department to have harmed the child or threatened the child with harm, the parent is a party. The legislation establishes requirements before a court may order a person to be entered in the central registry, and it prohibits parties from waiving placement in the registry. The department may petition the court for immediate relief in certain circumstances. Relating to the administrative appeal of indicated cases of child abuse or neglect in certain circumstances, this legislation provides an appeal process for, among others, foster parents for cases indicated pursuant to section 63-7-1230.

H.4347 "SOUTH CAROLINA CHILDREN'S ADVOCACY MEDICAL RESPONSE SYSTEM ACT" Rep. Bannister

This legislation creates the South Carolina Children's Advocacy Medical Response System, a program to provide coordination and medical service resources statewide to agencies and entities that respond to victims of child abuse and neglect. The legislation provides for the duties and responsibilities of the program which is administered by the University of South Carolina School of Medicine. The legislation requires children advocacy centers to comply with requirements of the South Carolina Children's Medical Response System and otherwise coordinate with the program.

H.4348 JURISDICTION OF THE FAMILY COURT TO ORDER VISITATION FOR GRANDPARENTS OF MINOR CHILDREN Rep. Lucas

This legislation relates to the jurisdiction of the family court to order visitation for grandparents of minor children. The legislation eliminates the prerequisite to ordering visitation that the grandparent have maintained a relationship similar to a parent-child relationship with the minor child.

**H.4349 VULNERABLE ADULT GUARDIAN AD LITEM PROGRAM
Rep. W. J. McLeod**

This legislation creates the Vulnerable Adult Guardian Ad Litem Program within the Office on Aging to recruit, train, and supervise volunteers to serve as court appointed guardians ad litem for vulnerable adults in abuse, neglect, and exploitation proceedings.

The legislation provides the duties and responsibilities of a guardian ad litem. A guardian ad litem may be a layperson or an attorney; the legislation provides qualifications to become a guardian ad litem. The legislation authorizes the Vulnerable Adult Guardian Ad Litem Program to intervene in proceedings to petition for removal of a guardian ad litem under certain conditions, and it requires information, reports, and records to be made available to guardians ad litem by state and federal agencies, medical and dental practitioners, and financial institutions. The legislation provides that reports and information collected and maintained by the program are confidential, and it provides for civil immunity for guardians ad litem when acting in good faith and in the absence of gross negligence. The legislation also provides that a party may move to have the guardian ad litem relieved of his or her services if the party demonstrates that the vulnerable adult has the capacity to assist counsel in the protective services case.

H.4350 ELECTION REVISIONS Rep. Gilliard

Relating to primary elections to fill a party nominee vacancy, this legislation prohibits a runoff election when the party nominee vacancy occurs during a special election primary. This legislation amends Section 7-13-50, relating to runoff primaries, so as to apply only to general election primaries. This legislation also amends Section 7-13-190, relating to special elections, so as to eliminate runoff primaries for special elections and to change special election primary election date requirements. The legislation amends Section 7-17-600, relating to votes required to declare a candidate the party nominee, so as to require that a candidate in a special election primary receive the largest number of votes cast to be declared the party nominee.

H.4354 PATIENT'S MEDICAL RECORDS Rep. Harrell

Relating to the right of a patient to receive a copy of his medical record or have it transferred to another physician, this legislation provides that the patient may choose to receive the record either as a photocopy reproduction or in an electronic format stored on digital media. If the physician or other owner of the record does not possess an electronic version of the record, it may satisfy the request by providing a photocopied reproduction. For a reproduction provided in a digital format stored on digital media, no per page fee may be charged but a clerical fee for searching and handling not to exceed fifteen dollars per request plus actual postage and applicable sales tax may be charged. Also, this legislation provides an exemption from fees for reproductions requested to satisfy a requirement of an insurer or governmental entity that provides benefits related to the medical needs of the patient.

H.4360 NATIVE AMERICAN INDIAN GROUPS Rep. Barfield

This legislation requires the Commission for Minority Affairs to eliminate eligibility for a Native American Indian Group to receive official recognized status in this State, and it further requires the Commission for Minority Affairs to revise its regulations so as to delete any procedures for recognizing a Native American Indian Group.

H.4364 DUTIES OF THE EXECUTIVE DIRECTOR OF THE STATE ELECTION COMMISSION Rep. Cobb-Hunter

This legislation requires the executive director of the State Election Commission to publish on the commission's website each act and joint resolution of the General Assembly relating to the election law of this State together with a brief explanation, if necessary, of each such enactment. In determining those enactments required to be published, the executive director shall select those required to be 'precleared' by the United States Department of Justice or the United States District Court for the District of

Columbia pursuant to Section 5 of the Federal Voting Rights Act of 1965 as that section applied in this State before June 25, 2013. Enactments and any accompanying explanations published on the commission's website pursuant to this item must remain on the commission's website at least through the date of the next general election.

H.4368 REVISIONS TO THE SOUTH CAROLINA CRIMINAL GANG PREVENTION ACT Rep. Henderson

This legislation makes revisions to the South Carolina Criminal Gang Prevention Act. The legislation revises the definition of "criminal gang". Currently a "criminal gang" means a formal or informal ongoing organization, association, or group that consists of five or more persons who form for the purpose of committing criminal activity and who knowingly and actively participate in a pattern of criminal gang activity; this legislation reduces that number from five to three. Relating to the use or threatened use of physical violence by criminal gang members to coerce persons to participate in a criminal gang, the legislation revises the offense to delete the requirement of the use or threatened use of physical violence among other things. The legislation provides for enhanced penalties for gang-related offenses. Relating to deposit of a cash percentage in lieu of bond, this legislation provides that if a criminal gang member charged with a felony offense is released pending trial on bond, the bond must be set for at least fifty thousand dollars cash or surety unless certain findings are made by the court on the record.

H.4371 PATENT OWNERSHIP AND POTENTIAL PATENT INFRINGEMENT Rep. Finlay

This legislation provides that no person in this State, in regard to patent ownership and potential patent infringement, may intentionally interfere with the existing contractual relations of another person or intentionally interfere with the prospective contractual relations of another person. The legislation further provides that a person aggrieved by another person's intentional interference with his existing contractual relations or with his prospective contractual relations has a cause of action in both instances against that person. The legislation provides for the elements of each cause of action and the damages which may ensue.

H.4372 ARTICLE V CONVENTION OF STATES LEGISLATION Rep. Taylor

This is a concurrent resolution to make application by the State of South Carolina under Article V of the United States Constitution for a convention of the states to be called by Congress restricted to proposing amendments to the United States Constitution to impose fiscal restraints on the federal government, limit the power and jurisdiction of the federal government, and limit the terms of office for its officials.

H.4373 ETHICS INSTRUCTION FOR PUBLIC OFFICIALS Rep. Putnam

This legislation requires all state or local public officials elected to office after July 1, 2014, to receive specific ethics instruction by the State Ethics Commission or in the case of Members of the General Assembly by the appropriate ethics committees of each house. The legislation requires continuing ethics instruction of these public officials upon reelection, and it provides civil penalties for certain violations.

H.4375 RESTAURANT DONATIONS OF SURPLUS PREPARED OR UNPREPARED FOOD ITEMS Rep. Gilliard

This legislation provides that a restaurant may enter into an agreement with a church or charitable organization that feeds needy individuals to donate surplus prepared or

unprepared food items to the church or charitable organization for this purpose without incurring legal liability or health code violations absent gross negligence or recklessness.

**H.4379 ANNUAL GENERAL APPROPRIATIONS BILL AND ADJOURNMENT
OF THE GENERAL ASSEMBLY Rep. Putnam**

Relating to the adjournment of the General Assembly, this legislation changes the date that the House of Representatives must give third reading to the annual general appropriations bill without extending the sine die adjournment date from March 31 to March 10. The legislation extends sine die adjournment by one statewide day for each statewide day after May tenth that the General Assembly fails to ratify the annual general appropriations bill.

**H.4387 SUSPENSION OF A DRIVER'S LICENSE OR PERMIT, OR THE
DENIAL OF A DRIVER'S LICENSE OR PERMIT TO A PERSON
UNDER THE AGE OF TWENTY-ONE WHO DRIVES A MOTOR
VEHICLE WITH A CERTAIN AMOUNT OF ALCOHOL
CONCENTRATION Rep. Felder**

This legislation removes a prohibition contained in the section relating to the suspension of a driver's license or permit, or the denial of a driver's license or permit to a person under the age of twenty-one who drives a motor vehicle with a certain amount of alcohol concentration that precludes a law enforcement officer who initiates suspension proceedings for a violation of this section from prosecuting a person for a violation of several other sections that pertain to the unlawful purchase or consumption of alcohol by a person under the age of twenty-one and the unlawful operation of a motor vehicle while under the influence of alcohol or drugs.

**H.4390 CONSOLIDATION OF THE DEPARTMENT OF PUBLIC SAFETY WITH
THE STATE LAW ENFORCEMENT DIVISION Rep. Sellers**

Under this legislation, the Department of Public Safety would no longer be a cabinet agency; instead, it would be a division of the State Law Enforcement Division (SLED) with the chief of SLED appointing the Deputy Director of the Division of Public Safety. This legislation changes various statutory references from the Department of Public Safety to SLED.

H.4393 DEFINITION OF THE TERM "SERVICE ANIMAL" Rep. Gagnon

This legislation revises the definition of the term "service animal" as it pertains to "Layla's Law," which provides for protection of guide dogs. Under this legislation, the term "service animal" means a canine that is specially trained or equipped to help a person with a disability. Under this legislation, an animal that provides only comfort or emotional support to a person is not a service animal pursuant these provisions. The tasks that a service animal may perform in order to help a person with a disability must be directly related to the person's disability and may include, but are not limited to: (a) guiding a person who has a visual impairment; (b) alerting a person who has a hearing impairment or who is deaf; (c) pulling a wheelchair; (d) alerting and protecting a person who has a seizure disorder; (e) reminding a person who has a mental illness to take prescribed medication; and (f) calming a person who has post-traumatic stress disorder.

**H.4398 IMPLIED CONSENT TO TESTING FOR ALCOHOL OR DRUGS
Rep. Clyburn**

This legislation provides that a person who is operating a vehicle which is involved in an accident in which a person suffered great bodily injury or death must submit to tests to determine whether he is under the influence of alcohol or drugs.

H.4399 CERTAIN ALCOHOL PERMITS IN THE PROXIMITY OF SCHOOLS, PLAYGROUNDS, AND CHURCHES Rep. Cobb-Hunter

This legislation allows the issuance of a license for the on-premises consumption of alcoholic liquor if all playgrounds and churches in the proximity affirmatively state that they do not object to the issuance.

H.4401 CRIMINAL SEXUAL CONDUCT WITH MINORS OFFENSES Rep. Cobb-Hunter

This legislation expands the purview of offenses of criminal sexual conduct in the second and third degrees under certain circumstances when the actor is in a position of familial, custodial, or official authority to coerce the victim to consent and provides an exception when the actor engages in a noncoerced consensual encounter with another person who is over the age of fourteen.

H.4402 CREATION OF STRANGULATION AND SMOTHERING OFFENSES Rep. Cobb-Hunter

This bill establishes the felony offense of strangulation and the felony offense of smothering. This bill provides that strangulation and smothering when serious bodily injury or death occurs are also criminal domestic violence of a high and aggravated nature. The legislation defines the term 'serious bodily injury' as bodily injury that causes a laceration that requires stitches, staples, or a tissue adhesive, any fracture of a bone, a broken nose, a burn, a petechia, a temporary loss of consciousness, sight or hearing, a concussion or a loss or fracture of a tooth. The term 'petechia' is defined as a minute colored spot that appears on the skin, eye, eyelid, or mucous membrane of a person as a result of localized hemorrhage or rupture to a blood vessel or capillary.

H.4403 "EARTHA KITT DAY" Rep. Cobb-Hunter

This legislation declares January 17 of each year as "Eartha Kitt Day" in South Carolina in honor of the late Eartha Mae Kitt, nationally and internationally known actress, singer, and native South Carolinian as a means to promote cultural tourism in the State in order to enhance the economic well being and improve the quality of life of all South Carolinians.

H.4406 CRIMINAL DOMESTIC VIOLENCE BOND REVISIONS Rep. Henderson

There are various types of bond. This legislation relates to cash percentage in lieu of bond and prohibits a person charged with a criminal domestic violence offense from using this type of bond to make a cash deposit in order to secure immediate release.

H.4408 CHILD FATALITIES Rep. Horne

This legislation adds two members to the State Child Fatality Committee: one senator to be appointed by the President Pro Tempore of the Senate and one representative to be appointed by the Speaker of the House of Representatives. Additionally, this legislation deletes certain provisions requiring the State Law Enforcement Division's department of child fatalities to proceed with an investigation or to close a case.

H.4409 "DEPARTMENT OF CHILD AND FAMILY SERVICES ACT"

Rep. Horne

This legislation creates the Department of Child and Family Services which is a consolidation of the child protection and adoption units of the Department of Social Services, the Department of Juvenile Justice, the Continuum of Care for Emotionally Disturbed Children Division of the Office of the Governor, and the Division of Children, Adolescents, and Families of the Department of Mental Health. The legislation provides that the director of the department is appointed by the Governor with the advice and consent of the Senate.

H.4410 NOTICE OF MEETINGS OF POLITICAL SUBDIVISIONS Rep. Huggins

Relating to a political subdivision adopting a budget, this legislation requires the political subdivision to give notice in additional ways. This includes posting the notice at the principal office of the public body holding the hearing, or if no such office exists, at the building in which the hearing is to be held. This also includes sending electronic communications or making telephone calls to registered voters, except those to opt out of the notification. Relating to notice of meetings under the Freedom of Information Act, this legislation provides that political subdivisions must give notice of their meetings in additional ways, including sending electronic communications and making telephone calls to registered voters. The legislation further provides that notice must be given at least twenty-four hours before the meeting or by 4:00 p.m. on the day before the meeting, whichever is earlier.

H.4412 CIRCUMSTANCES WHEN COMPLETION OF ALCOHOL AND DRUG SAFETY PROGRAM NOT REQUIRED Rep. King

Relating to the suspension of a person's privilege to operate a motor vehicle for his refusal to submit to testing for certain levels of alcohol concentration, this legislation provides that a person whose driving privilege has been restored because the charge that led to his suspension has been dismissed, not proessed, or because he has been found to be not guilty of the charge is not required to complete the Alcohol and Drug Safety Action Program.

H.4415 DEFINITION OF THE TERM "CONTRIBUTION" Rep. Lucas

Relating to campaign practices definitions, this legislation provides that the term "contribution" does not include certain things of value used to pay for communications made more than forty-five days before an election to influence the outcome of an elected office.

H.4416 EMERGENCY PROTECTIVE CUSTODY AND ALTERNATIVE CAREGIVERS Rep. McEachern

This legislation pertains to emergency protective custody of children in cases investigated by the Department of Social Services of suspected child abuse or neglect. Relating to prerequisites to placing a child with an alternative caregiver, this legislation adds requirements that the department conduct an interview and a home visit before placing a child with an alternative caregiver. This legislation establishes safety plan requirements for alternative caregivers. Relating to the time to formalize placement of a child with an alternative caregiver, this legislation clarifies that the parent or guardian and the alternative caregiver must sign a safety plan agreement. This legislation establishes requirements related to alternative caregiver arrangements beyond the effective dates of a safety plan.

H.4421 COMBINED BOARD OF REGISTRATION AND ELECTIONS

Rep. J. E. Smith

This legislation allows those counties that do not have a combined board of registration and election to combine those boards upon written agreement of the county legislative delegation and the county governing body. This written agreement must be filed with the Secretary of State and State Ethics Commission. The legislation provides for the composition, manner of appointment, terms, powers, and duties of the combined board. It requires the appointment of a director and provides for his responsibilities. For those counties that do have combined boards of registration and election, the legislation provides that the power to appoint or recommend the appointment of the members of the combined board may be devolved to the county governing body upon written agreement of the county legislative delegation and the county governing body.

LABOR, COMMERCE AND INDUSTRY

H.4351 COMPLAINT PROFILES MAINTAINED ON LICENSED INSURERS

Rep. Bowen

This bill requires the Department of Insurance to maintain a profile of each licensed insurance adjuster, agency, broker, company, and producer that must indicate specific information about all complaints of an alleged violation of the state's insurance laws filed against the licensee by a citizen or initiated by the director of the department. The department shall make copies of these profiles available to the public in a printed form and online. Every application and contract for insurance coverage in this state must include a copy of the profile of the agent, broker, company, and producer directly related to the application and contract, along with an explanation of the purpose of the information. The legislation establishes a procedure that a licensee may follow to remove a complaint from his profile.

H.4353 PAWNBROKER TRANSACTIONS Rep. Felder

This bill provides that a pawnbroker may not sell or otherwise transfer title of any item received through a pawn transaction unless the purchaser or transferee provides a positive form of identification bearing his photograph and an identifying number, which may be a valid driver's license, other identification provided by the Department of Motor Vehicles, a passport, a military identification issued by the United States federal government, or a South Carolina voter registration card. The legislation establishes record-keeping duties for pawnshop transactions that require pawnbrokers to maintain such information as time and amount of sales, descriptions of items, and contact information for purchasers. The statutory definition of "pledged goods" is expanded to include gift certificates and gift cards.

**H.4366 REVISED PROCEDURE FOR COMPLAINTS OF EMPLOYMENT
DISCRIMINATION VIOLATIONS INVOLVING STATE AGENCIES OR
DEPARTMENTS Rep. Horne**

This bill revises provisions for complaints, investigations, hearings, and orders involving an employment discrimination violation by the State Human Affairs Commission, so as to establish revised procedures applicable to complaints involving a covered state agency or department or subdivisions or parts of an agency or department that include a requirement for preliminary mediation conferences concerning these complaints.

H.4370 FUNERAL HOMES AUTHORIZED TO REFUSE THE RELEASE OF A BODY UNTIL FINANCIAL OBLIGATIONS ARE SATISFIED Rep. King

This bill authorizes a funeral home, funeral director, or embalmer to refuse to release a dead human body to the custody of the person or entity who has the legal right to effect a release until all financial obligations related to services provided by the funeral home, funeral director, or embalmer with respect to the dead human body have been fully satisfied.

H.4400 STATE MINIMUM WAGE Rep. Cobb-Hunter

This bill provides that the minimum wage in this state is the greater value of either ten dollars or the minimum wage set by the federal Fair Labor Standards Act. The legislation revises provisions governing the scope of authority to set minimum wage, so as to provide that a political subdivision of this state may not require a minimum wage that exceeds the one provided in state statute. The legislation revises provisions relating to therapeutic patient employment, so as to provide that a patient employee must be paid the minimum wage provided in state statute and revises Sunday work provisions so as to provide that Sunday work must be compensated at a rate no less than the minimum wage

H.4405 SC WORKS OCCUPATIONAL TRAINING DISALLOWED FOR THOSE WHO FAIL ILLEGAL DRUG SCREENINGS OR WHO HAVE CRIMINAL BACKGROUNDS PRECLUDING EMPLOYMENT Rep. Goldfinch

This bill provides that, in implementing the Workforce Investment Act, SC Works shall require a test for illegal drug use and a fingerprint-based criminal background check conducted by the State Law Enforcement Division (SLED) of any customer determined to be in need of trade or occupational training before SC Works may pay for the training. The results of the drug test and background check must be confidential and available only to the customer and SC Works. If the drug test or background check provides information that would result in an adverse employment action for the sort of employment that the customer seeks to attain with the training considered necessary by SC Works and for which SC Works would pay, then SC Works may not pay for the training. The legislation provides that a customer while receiving training shall immediately notify SC Works if he fails a drug test or is convicted of a crime or would otherwise be subject to an adverse employment action for employment sought by the customer related to the training, and SC Works immediately shall cease payment for this training. Provisions are included under which a customer must be given notice and an opportunity to respond. SC Works must pay for the drug test and criminal background check, and that the customer must provide reimbursement.

H.4418 DISCLOSURE REQUIREMENTS INVOLVING THE LIFE INSURANCE POLICY OF A DECEASED INDIVIDUAL Rep. M. S. McLeod

This bill establishes a protocol under which life insurance companies are required to disclose certain information about a deceased insured's life insurance upon the request of licensed funeral directors or their employees. Funeral directors who do not receive a timely response from insurers may refer the request to the Department of Consumer Affairs, which shall treat the referral as a consumer complaint. Funeral directors are subject to requirements to make reasonable efforts to locate beneficiaries in a timely manner, relay information obtained from the insurance carrier regarding any life insurance contracts, and provide notice that the beneficiary of a life insurance policy has

no legal duty or obligation to spend any of that money on the funeral, debts, or obligations of the deceased. Penalties are established for violations.

MEDICAL, MILITARY, PUBLIC AND MUNICIPAL AFFAIRS

H.4358 *REPORT ON HOMELESSNESS* Rep. Gilliard

The legislation outlines that each year, each county must publish and distribute a document that identifies locations within the county where a homeless or needy person may go to receive shelter, health care, food, and other humanitarian assistance. The costs of the publishing and distribution must be borne by the county. In addition, the document must be provided to each local law enforcement officer to distribute to homeless and needy persons with whom the officer comes into contact, within the scope of the officer's official duties.

H.4377 *STUDY COMMITTEE FOR CERTAIN ISSUES AFFECTING VETERANS* Rep. Gilliard

There is established a Committee to Study Certain Issues Affecting Veterans. The committee is comprised of three members of the Senate, to be appointed by the President Pro Tempore of the Senate, and three members of the House of Representatives, to be appointed by the Speaker of the House. The committee shall study the approximate number of homeless veterans residing in the state; the approximate number of South Carolina veterans who have been diagnosed with post-traumatic stress disorder (PTSD); the root causes of veteran homelessness and reasons why traditional Veterans Affairs Services are not alleviating the situation, particularly with regard to job placement services; and the availability of basic human services to South Carolina's most economically disadvantaged veterans. The report must be presented to both houses of the General Assembly and to the Governor not later than January 31, 2015.

H.4411 *"DENTALLY INDIGENT CHILDREN PREVENTATIVE DENTAL CARE ASSISTANCE ACT of 2014"* Rep. Jefferson

This Joint Resolution creates the Dentally Indigent Children Preventative Dental Care Assistance Program to be administered by the Department of Health and Human Services. The program is authorized to pay for preventative dental care to dentally indigent children from dentists who do not accept Medicaid patients for which a dentist shall receive no reimbursement except for payment from the program. "Dentally indigent child" means a person eighteen years age or less whose gross family income and size falls at or below the federal Community Service Administration guidelines.

WAYS AND MEANS

H.4356 *"LOCAL OPTION MOTOR FUEL USER FEE ACT"* Rep. Felder

This bill enacts the "Local Option Motor Fuel User Fee Act" to allow a county to impose by ordinance, approved by referendum, a user fee of not more than two cents a gallon on retail sales of motor fuel for the sole purpose of road improvement projects and road maintenance within the county. The legislation establishes the process by which the

user fee may be imposed and provides for the manner in which the Department of Revenue shall collect and distribute the user fee.

**H.4359 ISSUANCE OF PERSONAL EMERGENCY RESPONSE SYSTEM
(PERS)**

**DEVICES TO MEDICAID RECIPIENTS WITH A NURSE TRIAGE
COMPONENT Rep. Herbkersman**

This joint resolution establishes requirements for the Department of Health and Human Services, pursuant to the department's Medicaid Home and Community-Based Waiver, to issue personal emergency response system (PERS) devices to Medicaid recipients that include a nurse triage component.

**H.4361 EXEMPTION FOR PROPERTY TAX MILLAGE IMPOSED BY SCHOOL
DISTRICTS FOR THE COSTS OF ADDRESSING SCHOOL FACILITY
SAFETY CONCERNS AND INSTALLING SECURITY SYSTEMS
Rep. George**

This bill revises the cap on annual property tax millage imposed by local units of government including school districts and millage exempt from the cap, so as to add an exemption for millage imposed by the governing body of a school district for the costs of repairs and improvement of existing school facilities for the sole purpose of making safe the continued use of such facilities if the safety concerns render the facilities otherwise unusable and to obtain and install security systems and monitoring equipment.

**H.4362 SALES TAX EXEMPTION FOR ELECTRICITY USED TO CURE
AGRICULTURAL PRODUCTS Rep. George**

This bill establishes a sales tax exemption for the gross proceeds of sale of electricity used exclusively to cure agricultural products.

**H.4363 APPLICATION OF THE SPECIAL TAX ASSESSMENT RATIO FOR
OWNER-OCCUPIED RESIDENTIAL PROPERTY WHEN SPOUSES
ARE**

LEGALLY SEPARATED Rep. G. M. Smith

This bill establishes a definition of "legally separated" for purposes of the certificate contained in the application for the special four percent tax assessment ratio for owner-occupied residential property and requires annual reapplication and recertification to maintain the special four percent assessment ratio for certain separated spouses.

**H.4365 INCOME TAX CREDIT COVERING FEES PAID TO THE UNITED
STATES FOOD AND DRUG ADMINISTRATION FOR FDA APPROVAL
OF MEDICAL DEVICES Rep. Sellers**

This bill establishes a state income tax credit for a company developing or manufacturing medical devices in this state that is equal to one hundred percent of the fees that the company pays to the United States Food and Drug Administration (FDA) in its applications for FDA approval of medical devices. The legislation establishes provisions allowing unused credits to be transferred and used by others in exchange for specified minimum amounts of private financial assistance paid to the transferring company for its use in developing its business.

**H.4367 HOMESTEAD PROPERTY TAX EXEMPTION ENHANCEMENTS
Rep. Bowen**

This bill revises property tax provisions so as to establish an exemption sufficient to keep the property tax value of a homestead from increasing once the owner attains the age of seventy years. The legislation provides for an additional twenty-five percent exemption when a person attains the age of seventy-five years and an increase in the exemption by an additional twenty-five percent every five years thereafter. The legislation also prohibits a tax execution on the homestead of an individual who has attained the age of eighty years.

H.4376 ADDITION OF A PROPOSED HIGHWAY IMPROVEMENT THAT OFFERS STATEWIDE ECONOMIC BENEFIT TO THE PRIORITY LIST OF

TRANSPORTATION FUNDING PROJECTS Rep. Bowen

This bill revises provisions relating to the development of the State Transportation Improvement Program by the Commission of the Department of Transportation and related highway improvement projects and funding, so as to provide that the commission, in regard to a proposed project which is not on the priority list of projects of the Statewide Transportation Improvement Program, may add the project to the list in whatever priority position it determines if the commission finds the proposed project will have a substantial immediate economic benefit not only to the area concerned, but to the state as a whole.

**H.4380 EXCESS REVENUES DEVOTED TO THE STATE HIGHWAY FUND
Rep. Putnam**

This bill provides that, beginning with the Fiscal Year 2015-2016 Annual General Appropriations Bill, the February fifteenth final forecast of state revenues is deemed to be the annual state revenue for which state appropriations may not exceed pursuant to Section 7, Article X of the State Constitution. The legislation provides that for fiscal year 2015-2016 through 2020-2021, any general fund revenues accumulated in a fiscal year in excess of general appropriations and supplemental appropriations must be credited to the State Highway Fund. These revenues may not be used for administrative costs and only may be used for maintenance of existing roads and additional capacity on existing roads.

**H.4381 MAILING DEADLINE FOR REAL PROPERTY TAX NOTICES
Rep. G. M. Smith**

This bill requires each county auditor to mail real property tax notices by October fifteenth of each year and provides that the notice must be mailed even if it is incomplete and a supplemental notice is necessary. The legislation provides that if any taxing jurisdiction that has its property taxes collected by a county causes the tax notice to be incomplete, it must reimburse the county for the cost of the supplemental notice and its mailing.

**H.4407 "SOUTH CAROLINA JOBS, EDUCATION, AND TAX ACT"
Rep. Horne**

This bill enacts the "South Carolina Jobs, Education, and Tax Act" to make comprehensive changes to the Education Finance Act (EFA) and other provisions that govern the funding of public education in South Carolina. The legislation makes numerous revisions to the manner in which and requirements under which EFA funding is determined and distributed to schools and school districts including the creation of the South Carolina Public Education Program (SCPEP) Fund and the elimination of such provisions as the Index of Taxpaying Ability, the Foundation Program, and the Defined

Minimum Program, while maintaining the reporting requirements used in computing the Index of Taxpaying Ability. The legislation includes provisions establishing the State Uniform Millage (SUM), an annual, permanent, and uniform statewide ad valorem tax on all taxable property, all revenues from which are appropriated to the South Carolina Public Education Program Fund. The millage rate of the SUM is one hundred mills, subject to certain transitional provisions for school districts in which the millage rate for school operations in the tax year immediately preceding the imposition of the SUM is less than one hundred five mills. The rate is not subject to rollback upon any reassessment program. The legislation makes revisions to statutes governing the levy and distribution of school taxes, including a new provision that the board of trustees of any school district may impose an ad valorem tax for school operating purposes, the revenue from which may not exceed eight percent of the school district's assessed value for school operating purposes.

**H.4420 SOUTH CAROLINA RURAL INFRASTRUCTURE AUTHORITY
OVERSIGHT Rep. Pitts**

This bill revises provisions governing the operation and oversight of the South Carolina Rural Infrastructure Authority. The legislation updates the list of counties in which a board member may reside or represent. The legislation removes the authority from the jurisdiction of the Administrative Procedures Act. The legislation provides that the authority is no longer required to obtain review and approval of The Joint Bond Review Committee before providing financial assistance, but the authority is, instead, required to submit an annual report to the Joint Bond Review Committee regarding loans and other financial assistance.

H.4422 "FEDERAL EDUCATION FUNDING STUDY COMMITTEE" Rep. Taylor

This joint resolution creates the "Federal Education Funding Study Committee" to review federal funding of public education in this state and identify areas where the receipt and expenditure of federal funds should be given greater efficiency and transparency. The legislation provides for the study committee's duties, membership, and the method for appointing its members. The study committee shall provide its report to the Governor, General Assembly, State Superintendent of Education, and each member of the South Carolina Congressional Delegation by December 31, 2014, at which time the study committee is dissolved.

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